

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 15, 2020**

A special telephonic meeting of the Mississippi State Board of Medical Licensure was held on March 15, 2020, in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

THE FOLLOWING MEMBERS WERE PRESENT:

J. Ann Rea, M.D., Columbus, President
David W. McClendon, Jr., M.D., Ocean Springs, Vice President
Michelle Y. Owens, M.D., Jackson, Secretary
Charles D. Miles, M.D., West Point
C. Kenneth Lippincott, M.D., Tupelo
Kirk L. Kinard, D.O., Oxford
H. Allen Gersh, M.D., Hattiesburg
Daniel Edney, M.D., Vicksburg
Thomas Joiner, M.D., Jackson

ALSO PRESENT:

Stan T. Ingram, Complaint Counsel for the Board
Gloria Green, Special Assistant Attorney General
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Anna Boone, Office Director, Licensure Division
Leslie Ross, Director of Investigations
Jonathan Dalton, Investigations Supervisor
Frances Carrillo, Staff Officer

NOT PRESENT:

Shoba Gaymes, Consumer Health Committee
Major General (Ret) Erik Hearon, Consumer Health Committee
Wesley Breland, Consumer Health Committee

The conference call meeting was called to order at 3:03 p.m. by Dr. Rea, President. After roll call, Dr. Rea verified that there was a quorum present inasmuch as all Board members were present for this conference telephone meeting.

Impact of the COVID-19 virus.

Dr. Rea advised that Governor Tate Reeves recommended that regulations be modified to help the citizens of Mississippi to receive needed healthcare and reduce their exposure to the COVID-19. Due to the State of Emergency issued by the Governor on March 14, 2020, a proclamation to comply to this directive was drafted for the Board's review, Dr. Rea directed Dr. Cleveland to review the draft proclamation for the Board.

Dr. Cleveland read the draft proclamation to the Board.

After Discussion, changes were made and reviewed for the final version of the Proclamation.

After additional discussion, a motion was made by Dr. Miles, seconded by Dr. McClendon and carried that the Board authorized the issuance of the Proclamation to comply with the Governor's Directive to give access to needed medical care to the citizens of Mississippi during this time of emergency.

ADJOURNMENT

There being no further business, Dr. Rea adjourned the meeting at 3:17 p.m.


Jeanne Ann Rea, M.D.
President

Minutes taken and transcribed by:
Frances Carrillo
March 15, 2020



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

PROCLAMATION

WHEREAS, by Proclamation dated March 14, 2020, issued by Tate Reeves, Governor of the state of Mississippi, a state of emergency was declared pursuant to Miss. Code Ann. Section §33-15-11, in order to address the high risk for an outbreak of the novel coronavirus, identified as COVID-19, in the state of Mississippi; and

WHEREAS, the Proclamation has invoked the emergency powers of the Governor pursuant to Miss. Code Ann. Section §33-15-11(c)(1) to temporarily suspend or modify any rule or regulation of a state agency which would in any way prevent, hinder or delay necessary action in coping with the emergency; and

WHEREAS, the Mississippi State Board of Medical Licensure, as an agency of the state of Mississippi wishes to comply with the Governor's proclamation and take those steps necessary to address access to needed medical care to the citizens of the state of Mississippi during this time of emergency; and

WHEREAS, the Board recognizes that in order to receive medical care, many patients are required to travel long distances both in-state and out-of-state to see their healthcare providers; and

WHEREAS, the Mississippi State Board of Medical Licensure recognizes that face to face visits may increase the risk of COVID-19 transmission; and

WHEREAS, Part 2635, Chapter 5 *Practice of Telemedicine*, Rule 5.2, provides that the practice of medicine is deemed to occur in the location of the patient and therefore only physicians holding a valid Mississippi medical license are allowed to practice telemedicine in Mississippi.

WHEREAS, the Board recognizes that enforcement of Rule 5.2 may result in unnecessary patient travel which may increase possible risks to patients during the state of emergency.

NOW THEREFORE, until action is taken by the Governor of the state of Mississippi to lift the declared emergency, the Mississippi State Board of Medical Licensure encourages all physicians to utilize telemedicine so as to avoid unnecessary patient travel both in-state and out of state; and in so doing, the Board will not enforce any statute, rule or regulation that would require Physicians to personally examine patients prior to the issuance of a prescription or order the administration of medication, including controlled substances.

FURTHER, until action is taken by the Governor to lift the state of emergency, out-of-state physicians may utilize telemedicine when treating patients in Mississippi without the necessity of securing a license to practice medicine in the state, provided the out of state physician holds an unrestricted license to practice medicine in the state in which the physician practices and currently is not the subject of an investigation or disciplinary proceeding and so advises the Board.

FURTHER, every physician shall access the Prescription Monitoring Program when a controlled substance prescription is issued. However, urine drug screens shall not be required.

FURTHER, every physician shall conduct an evaluation of the patient's current condition and document the appropriate medical indication for the prescription.

FURTHER, except as specially stated herein, all other regulations remain in full force and effect.

SO ORDERED AND APPROVED by the Mississippi State Board of Medical Licensure, this is the 15th day of March 2020.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By: 

Kenneth Cleveland, M.D.
Executive Director